

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thanh-Tam Ho	Team: Team # 8	CCRB Case #: 200306871	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/28/2003 6:00 PM	Location of Incident: § 87(2)(b)	Precinct: 83	18 Mo. SOL 2/28/2005	EO SOL 2/28/2005	
Date/Time CV Reported Mon, 09/01/2003 10:44 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/08/2003 2:10 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 John Ulmer	06477	892150	073 DET
2. Officers			073 DET
3. SGT Rodney Harrison	03868	901066	073 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Vincent Scott	07806	909319	073 DET
2. DT3 Nancy Malota	07026	896360	073 DET
3. DT3 Carlyle Kersellius	05358	913156	073 DET
4. DT3 Russell Smith	01216	884751	073 DET

Officer(s)	Allegation	Investigator Recommendation
A.SGT Rodney Harrison	Abuse: Sergeant Rodney Harrison entered and searched § 87(2)(b) Brooklyn.	§ 87(2)(b)
B.DT3 John Ulmer	Abuse: Detective John Ulmer entered and searched § 87(2)(b) Brooklyn.	§ 87(2)(b)
C. Officers	Force: Officers pointed their guns at § 87(2)(b)	§ 87(2)(b)
D.SGT Rodney Harrison	Force: Sergeant Rodney Harrison used physical force against § 87(2)(b)	§ 87(2)(b)
E.SGT Rodney Harrison	Abuse: Sergeant Rodney Harrison threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
F. Officers	Abuse: An officer threatened to notify Administration for Children's Services.	§ 87(2)(b)

Synopsis

The CCRB received this complaint from IAB (Log No. 03-21777) on September 8, 2003. On August 28, 2003, Sergeant Rodney Harrison, Detective John Ulmer, Detective Vincent Scott and Detective Russell Smith went to § 87(2)(b) and § 87(2)(b) apartment to look for § 87(2)(b) fiancé, § 87(2)(b). One of the officers threatened to notify ACS if § 87(2)(b) did not let them enter the building. The officers entered the apartment without consent, drew their guns, and arrested § 87(2)(b). § 87(2)(b) became confrontational and a black male sergeant responded by twisting § 87(2)(b)'s hands and threatening him with more force. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)
§ 87(2)(b) a § 87(2)(b)-old Hispanic female, called IAB to file a complaint on September 1, 2003 (encl. 6a-c), gave a phone account on October 1, 2003 (encl. 8a), was interviewed on October 21, 2003 at the CCRB (encl. 9b-d), and gave another phone account on February 26, 2004 (encl. 10a). § 87(2)(g)

§ 87(2)(g)

On August 28, 2003, § 87(2)(b) was asleep in her bedroom at § 87(2)(b) with her fiancé, § 87(2)(b) when at around 6:00PM, § 87(2)(b) mother, § 87(2)(b) knocked on the back hallway door that opens directly into § 87(2)(b) bedroom. Through the door, § 87(2)(b) stated that the police wanted to speak to § 87(2)(b). § 87(2)(b) walked through her apartment, out the front door and sat on the steps of the building hallway. Three officers, PO2, PO3, and PO4, were present and PO3 asked § 87(2)(b) if § 87(2)(b) was home. § 87(2)(b) responded negatively and PO3 said, "We know he's here," and told § 87(2)(b) that § 87(2)(b) was going to be arrested. § 87(2)(b) asked the officers if they had a warrant. At this time an officer, PO1, walked out of § 87(2)(b) apartment into the hallway. PO3 claimed to have a warrant and took a crumpled up, folded piece of paper out of his back pocket. § 87(2)(b) asked to read the warrant and PO3 said, "You're really pissing me off. If we have to wait for a fucking warrant, when we do get a warrant we're going to go inside and grab your baby- because we know you have a baby- we going to go inside, arrest him and grab your baby. We're going to call ACS and take away your baby" (Allegation A). § 87(2)(b) said, "You can't do that. You got to be out of my mind if you think you're going to go and take my baby from me. Nobody's taking nothing from me." PO3 said, "Fuck that," and entered the apartment (Allegation B). In her complaint with IAB, § 87(2)(b) did not mention the threat to call ACS or the use of profanity.

§ 87(2)(b) PO1, PO2 and PO4 went inside the apartment (Allegation B & C) and after about 2 minutes, PO3 radioed the officers and stated that § 87(2)(b) was in the bedroom. When the officers and § 87(2)(b) entered the bedroom, § 87(2)(b) was dressed only in boxer shorts, one of his hands was handcuffed, and he was kneeling on the floor with his head on the bed. § 87(2)(b) turned his head towards § 87(2)(b) and PO3 put his gun to § 87(2)(b)'s head and said, "If you move again, I'm going to shoot you!" (Allegation D) PO4 pointed his gun at § 87(2)(b)'s back (Allegation D) and § 87(2)(b) children, § 87(2)(b) and § 87(2)(b) came into the bedroom and § 87(2)(b) started to cry. § 87(2)(b) moved in between PO4's gun and § 87(2)(b) and § 87(2)(b) followed her in front of the gun. § 87(2)(b) said, "What are you doing? How you gonna pull out these guns in front of my kids? He doesn't have anything- he's only in boxers. I'm calling the police because this doesn't look right. You came in my house without a warrant, and now you're pulling out guns on him." § 87(2)(b) tried to call

911 but PO2 prevented her from using the phone. The officers let § 87(2)(b) get clothes and dress § 87(2)(b).

§ 87(2)(b) walked towards PO3 in a confrontational manner and said, "This is some bullshit." PO3 responded by making fists and assuming a posture that implied that he was going to fight § 87(2)(b) (Allegation F). § 87(2)(b) moved in between them and said, "You're going to hit him while he's in cuffs? If you want, take off his cuffs, then fight him." § 87(2)(b) was trying to act tough and said, "If I didn't have cuffs on, you couldn't take me." PO3 said, "You're going to hear about me when you go to jail, you're going to know who I am." In her phone statement and her complaint to IAB, § 87(2)(b) did not mention the threat of force by PO3.

As the officers took § 87(2)(b) downstairs, PO1 asked § 87(2)(b) "Who's § 87(2)(b) 2)(b) said, "That's my brother- do you have a message that you want to relay to him?" PO1 said, "Yeah, tell him we have a warrant for him too." § 87(2)(b) stated that § 87(2)(b) was outside of the apartment when the officers first arrived, and was outside the building when the officers took § 87(2)(b) away. The officers did not try to arrest § 87(2)(b) and did not ask about anyone else during the incident. The officers drove away with § 87(2)(b).

§ 87(2)(b) stated that warrant squads have come to her house 4-5 times before for her brother. In those incidents the officers presented § 87(2)(b) with a warrant and showed her a picture of her brother. § 87(2)(b) never complained about these past incidents, but stated that during this time the officers did not handle things properly. § 87(2)(b) stated that § 87(2)(b)'s permanent address is in Pennsylvania, and that he only occasionally stays with her. § 87(2)(b) stated that the case against § 87(2)(b) was dismissed.

PO1: black male, 5'9", bald, heavyset, 30s-40s, seemed to be in charge
PO2: white male, 5'8", blond hair, medium build, 30s-40s, light eyes
PO3: black male, 5'9", bald, medium build, 20s
PO4: black male, 5'8"/9", 30s-40s, less involved than the other officers

§ 87(2)(b)
§ 87(2)(b) a § 87(2)(b)-old Hispanic female was interviewed on October 21, 2003 at the CCRB (encl. 11b) and gave a phone account on March 17, 2004 (encl. 12a). § 87(2)(g)

On the incident date, § 87(2)(b) § 87(2)(b)-old autistic son, § 87(2)(b) woke her and told her that people were at the door. § 87(2)(b) went to the door and saw three officers, later identified as PO1, PO2, PO3. PO1 asked § 87(2)(b) if she knew § 87(2)(b) and § 87(2)(b) and if she had seen them lately. PO1 asked if § 87(2)(b) knew § 87(2)(b) and if § 87(2)(b) had given birth to her baby yet. § 87(2)(b) responded to the questions but never made any response or gestures indicating that the officers could enter the apartment. PO1 told § 87(2)(b) to knock on § 87(2)(b) door. § 87(2)(b) did so and through the closed door § 87(2)(b) told § 87(2)(b) that the police were at the apartment.

A short while later, § 87(2)(b) walked to the front door and the officers entered the apartment and stood next to her. § 87(2)(b) asked the officers if they had a warrant and the officers said, "No. But we can get one." The officers asked § 87(2)(b) about § 87(2)(b) and PO1 said, "If you don't let us in, we'll call ACS to take away your baby." § 87(2)(b) continued to ask the officers if they had a warrant and the officers disregarded her and went inside the apartment.

§ 87(2)(b) and the officers went into the bedroom and § 87(2)(b) stayed in the living room, from which the inside of the bedroom was visible. The officers screamed at § 87(2)(b) to wake him up and § 87(2)(b) screamed, "How can you do this?" § 87(2)(b) asked her mother, who is an invalid and doesn't speak English, to watch the children, and tried to enter the bedroom, but PO1 prevented her from doing so. PO3 pointed his gun at § 87(2)(b)'s head and PO2 pointed his gun at § 87(2)(b)'s back. § 87(2)(b) moved in between the guns and § 87(2)(b) and § 87(2)(b) and the children started to scream. § 87(2)(b)

tried to keep the children out of the room, but § 87(2)(b) children entered the bedroom while the officers had their guns drawn.

The officers took away § 87(2)(b). The officers did not arrest § 87(2)(b) and stated that they did not have anything to arrest him for. § 87(2)(b) stated that she has a good relationship with § 87(2)(b) and that he is welcome to stay at her house.

PO1: white male, 5'7", short, chubby
PO2: black male, tall, older,
PO3: black male

§ 87(2)(b)
§ 87(2)(b) and § 87(2)(b) old autistic Hispanic male spoke to the investigator via phone on November 6, 2004 (encl. 14a). § 87(2)(b) did not seem to understand what was being asked of him, and could not answer questions about the incident.

§ 87(2)(b)
§ 87(2)(b) a § 87(2)(b)-old Hispanic male was interviewed on November 7, 2003 at Riker's Island (encl. 13b). § 87(2)(g)
§ 87(2)(b) stated that there was one black male that was the sergeant on the scene and two white males that drew their guns in the bedroom. Details are as follows:

§ 87(2)(b) awoke to the sound of arguing in the apartment and officers entered the bedroom. Other than PO1, § 87(2)(b) could not remember which officers had their guns drawn. § 87(2)(b) asked § 87(2)(b) if the officers had shown her a warrant and she stated that they had not. At some point § 87(2)(b) and § 87(2)(b) entered the bedroom. § 87(2)(b) could not remember if other children were also in the bedroom. After he was handcuffed, PO1 took § 87(2)(b) off the bed and began twisting § 87(2)(b)'s hands (Allegation E). § 87(2)(b) became angry and said, "Why don't you take these handcuffs off me and then twist my hands?" PO1 pulled his arm back, and gestured with his fists in a way that made it clear that he wanted to hit § 87(2)(b).

PO1: black male, 5'8/9", 30s, stocky, bald, sergeant
PO2: white male, 5'5", late 30s-early 40s, heavy set, light skinned, short
PO3: white male, medium build, light skin, pushed back short hair

Results of Investigation

Officer Statements

Detective John Ulmer

Detective Ulmer, a § 87(2)(b) old, 5'7" tall, white male weighing 175lbs was interviewed by the CCRB on December 2, 2003 (encl. 15d) and provided the CCRB with a **NYPD Address Search Results** printout from August 28, 2003 (encl. 20a). The results list a warrant for § 87(2)(b) § 87(2)(b) with an address at § 87(2)(b) Brooklyn, NY. There are also three warrants for § 87(2)(b) with an address at § 87(2)(b) Brooklyn, NY. There is also an Investigation Card listed for § 87(2)(b) with an address at § 87(2)(b) Brooklyn, NY. The Address Search Results printout does not list the dates of issue of the warrants. Details of Detective Ulmer's statement are as follows:

On August 28, 2003, Detective John Ulmer, Detective Vincent Scott and Sergeant Rodney Harrison were trying to locate § 87(2)(b) and received the address § 87(2)(b) from a complainant in the investigation headed by Detective Ulmer. A canvass of the area revealed § 87(2)(b)'s car was parked in front of § 87(2)(b). The officers ran the address and found a warrant for

the apartment for someone, whose name Detective Ulmer was pretty sure was § 87(2)(b). The officers obtained a copy of the warrant and went to § 87(2)(b)'s apartment. The apartment door was ajar when the officers knocked on the door and an older Hispanic woman, later identified as § 87(2)(b), opened the door. When Sergeant Harrison asked if the officers could enter the apartment and an officer told § 87(2)(b) that they had a warrant, she responded, "Come in." Sergeant Harrison showed § 87(2)(b) the warrant but Detective Ulmer did not know if Sergeant Harrison asked if "§ 87(2)(b)" was home.

The officers entered the apartment and encountered a younger Hispanic woman, later identified as § 87(2)(b). Detective Ulmer stated that he did not know if § 87(2)(b) was pregnant before the incident and none of the officers threatened § 87(2)(b) with ACS or used discourteous language towards her. Detective Ulmer never spoke with § 87(2)(b) and could not recall if there were children in the apartment. § 87(2)(b) did not give any resistance to the officers' presence in the apartment and at some point said, "He's in there." The officers followed Sergeant Harrison into the bedroom at which time they found § 87(2)(b) and Detective Ulmer and Sergeant Harrison handcuffed him. § 87(2)(b) mildly resisted being handcuffed and cursed at the officers. The officers did not draw their guns or threaten to shoot § 87(2)(b). Detective Ulmer did not know if § 87(2)(b) or any children entered the bedroom. § 87(2)(b) did not have a verbal confrontation with any of the officers and none of the officers threatened to hit § 87(2)(b) or twisted his hands. § 87(2)(b) was given clothes to wear out of the apartment and the officers took § 87(2)(b) downstairs and put him in their car. § 87(2)(b) became very rude and told Sergeant Harrison that he was a "wannabe Wesley Snipes."

Detective Ulmer initially stated that the officers went to the location specifically to arrest § 87(2)(b). Detective Ulmer later stated that the officers had entered the apartment in an effort to locate the person whose name was on the warrant and instead of finding the person whose name was on the warrant, the officers found § 87(2)(b) and arrested him. The person named in the warrant was never found. When asked if he knew who § 87(2)(b) was, Detective Ulmer stated that he did not, but said that maybe § 87(2)(b) was the name on the warrant. Detective Ulmer stated that he was not conducting an investigation on § 87(2)(b).

Sergeant Rodney Harrison

Sergeant Harrison, a § 87(2)(b) old, 5'10" tall black male weighing 195lbs was interviewed by the CCRB on March 2, 2004 (encl.19d-f). Details are as follows:

On the incident date the officers ran a check for § 87(2)(b)'s address and visited the resulting addresses to see if § 87(2)(b)'s car was found at any of the locations. The officers observed the vehicle in front of § 87(2)(b) and the presence of the car made Sergeant Harrison "100% positive" that § 87(2)(b) was at the location. The officers waited outside for about 45 minutes to see if § 87(2)(b) would come out of the building. One of the detectives, probably Detective Ulmer, ran a computer check for the location and found an arrest warrant for an apartment on the § 87(2)(b) floor. Sergeant Harrison did not recall the name on the warrant and none of the detectives on the scene had paperwork regarding the warrant. Sergeant Harrison, Detective Ulmer, Detective Scott and Detective Russell Smith went inside the building and Detective Ulmer, Detective Scott and Detective Smith asked tenants of the building if they knew if § 87(2)(b) was at the location. The officers did not ask if anyone knew the person whose name was on the warrant. Sergeant Harrison stated that he did not think of asking about the person whose name was on the warrant.

When they arrived at apartment § 87(2)(b), Detective Ulmer knocked on the door and an older Hispanic female, later identified as § 87(2)(b), opened the door. § 87(2)(b) looked nervous and a little bit "shaken," possibly because there were police officers at her door. Sergeant Harrison showed her the photo of § 87(2)(b) and told her that the officers were looking for him. Sergeant Harrison asked § 87(2)(b) to exit the apartment and she complied. Sergeant Harrison asked if the officers could enter the apartment and § 87(2)(b) did not respond, but "did not say no, did not say yes." The officers asked about § 87(2)(b) his child and the baby's mother. The officers did this to "beat around, just to develop a conversation with her and see if she was willing to cooperate," and Sergeant Harrison stated that the officers already knew all about the baby. No one threatened § 87(2)(b) or § 87(2)(b) with ACS. § 87(2)(b) was never asked

about the person whose name was on the warrant or about her son. Sergeant Harrison asked § 87(2)(b) if § 87(2)(b) was in the apartment. § 87(2)(b) “did not say no, did not say yes” but gave Sergeant Harrison “a look.” Sergeant Harrison stated that the look given by § 87(2)(b) was to roll her eyes towards the door as if to say, “Yes, he’s in there.” Upon prodding from his legal representation, Sergeant Harrison said that the look given by § 87(2)(b) also made him think that § 87(2)(b) might have been held in the apartment against her will and was in need of the officers’ assistance. Sergeant Harrison went on to say that her look meant, “Yes, he’s in the apartment. Go inside, let yourself in.” Sergeant Harrison, Detective Ulmer, Detective Scott and Detective Smith entered the apartment.

In the apartment one of the detectives spoke with a younger Hispanic female, later identified as § 87(2)(b) as Sergeant Harrison, Detective Ulmer, Detective Scott and Detective Smith went to the bedroom. They found § 87(2)(b) hiding behind a door and Sergeant Harrison told § 87(2)(b) to put his hands up. Sergeant Harrison instructed him to put his hands behind his back about 5-6 times, but § 87(2)(b) refused and said, “What do you guys want? What are you doing here? Fuck you.” Sergeant Harrison pointed his gun at § 87(2)(b) but never threatened to shoot him. Sergeant Harrison re-holstered his gun, took § 87(2)(b) s hands and put them behind his back. § 87(2)(b) resisted and Sergeant Harrison had to twist § 87(2)(b) s arms so that they would wrap around his back. Sergeant Harrison stated that he drew his gun as a safety precaution, but judging by § 87(2)(b) s lack of clothing and his hostile but non violent demeanor, Sergeant Harrison did not think § 87(2)(b) had any weapons on him. Sergeant Harrison did not know who else had their gun drawn. Sergeant Harrison did not twist § 87(2)(b) s hands and did not threaten to hit § 87(2)(b). The detectives initially prevented § 87(2)(b) from entering the room and when she became upset the officers allowed her to enter and get clothes for § 87(2)(b). There were at least two children in the apartment, but Sergeant Harrison did not recall if they entered the room. The officers searched the rest of the apartment to make sure that no one else was hiding, but stated that they did not search the apartment specifically to find the person whose name was on the warrant.

As the officers brought § 87(2)(b) downstairs § 87(2)(b) said, “Show me the warrant. You don’t have a warrant.” None of the officers responded. § 87(2)(b) called Sergeant Harrison a “broke Wesley Snipes” and cursed at the officers.

Sergeant Harrison stated that the officers’ main objective in this incident was to find the person whose name was on the warrant and to see if § 87(2)(b) was in the apartment. Sergeant Harrison stated that at the time of incident he did not know how old the warrant was or how recent the last known address was. Sergeant Harrison stated that he entered the apartment because of the look given him by § 87(2)(b) which constituted exigent circumstances. Sergeant Harrison stated that if § 87(2)(b) had not given him the look with her eyes, he would have needed a warrant for § 87(2)(b) in order to enter the apartment, regardless of whether they had a warrant for someone else at the location. Sergeant Harrison stated that § 87(2)(b) was not § 87(2)(b) s residence and therefore he would have needed a warrant for § 87(2)(b) and the cooperation of the owner of the apartment in order to enter the apartment. Sergeant Harrison did not recognize the names § 87(2)(b) and § 87(2)(b) and did not recognize the warrant printout provided by Detective Ulmer.

Detective Vincent Scott

Detective Scott, a § 87(2)(b) old, 5’7” tall black male weighing 210lbs was interviewed by the CCRB on January 13, 2004 (encl.16d). Details are as follows:

On the incident date, Detective Scott, Sergeant Harrison, Detective Nancy Malota, Detective Carlyle Kersellius, and Detective Smith, worked as a back-up team in an investigation headed by Detective Ulmer. Detective Ulmer possessed an open warrant for § 87(2)(b) and he, Sergeant Harrison, Detective Scott and Detective Smith entered the building while Detective Malota and Detective Kersellius stayed outside.

Detective Scott was keeping watch in the hallway when a young Hispanic woman, later identified as § 87(2)(b) opened the door and an officer, later identified as Sergeant Harrison, asked her, “Is § 87(2)(b) here?” § 87(2)(b) responded negatively and Sergeant Harrison said, “Well, we have a warrant

for him. Do you mind if we come in?" § 87(2)(b) said, "He isn't here. You don't believe me? You want to see?" and let the officers into the apartment. Detective Scott stated that the officers showed § 87(2)(b) the warrant and none of the officers threatened to call ACS or used discourteous language.

Detective Scott remained in the hallway and Sergeant Harrison, Detective Smith, and Detective Ulmer entered the apartment. After a couple minutes, Detective Scott heard loud thumping noises indicative of a struggle. § 87(2)(b) screamed, "My kids! My kids! Motherfuckers! You ain't shit!" After a little while Sergeant Harrison, Detective Smith, and Detective Ulmer escorted § 87(2)(b) out in handcuffs and took him down to the patrol car. Detective Scott told § 87(2)(b) to step back from § 87(2)(b) and § 87(2)(b) called Detective Scott a "Wesley Snipes wannabe motherfucker." Outside, § 87(2)(b) was trying "to start a mini riot" and was screaming, "Yo, you know what they doing? They fucked up!"

Detective Scott he did not see any other civilians at the apartment and did not know that § 87(2)(b) had just had a baby. When told that Detective Ulmer testified that they did not have a warrant for § 87(2)(b) Detective Scott stated that he did not know that they did not have a warrant. Detective Scott did not recognize the names "§ 87(2)(b)" and "§ 87(2)(b)" in the address print out provided by Detective Ulmer.

Detective Russell Smith

Detective Smith, a § 87(2)(b) old, 5'8" tall black male weighing 198lbs was interviewed by the CCRB on February 12, 2004 in his home at § 87(2)(b) (encl.18b-c). Detective Smith was retired at the time of the interview and stated that he did not need legal representation. Details are as follows:

On the incident date the officers went to § 87(2)(b) to look for two individuals in an investigation by Detective Ulmer. One of the officers informed Detective Smith that they had a warrant, but Detective Smith did not know if the warrant was for someone other than § 87(2)(b)

When the officers approached the apartment, Detective Smith stood watch over the door and saw a young Hispanic boy come out of the apartment and leave the door halfway open. Before Sergeant Harrison knocked on the door Detective Smith told him and Detective Ulmer about the young boy. An older Hispanic woman, later identified as § 87(2)(b) answered the door and Sergeant Harrison said, "We want to talk to you." § 87(2)(b) "motioned for them to speak" by moving her hand with her palm towards herself and Detective Ulmer and Sergeant Harrison walked into the apartment. The officers did not ask if they could enter the apartment and Detective Smith believed that the officers entered the apartment under the authority of the warrant. Detective Smith could not hear what was said but stated that § 87(2)(b)'s demeanor was quiet. Detective Smith initially stayed in the hallway but then entered the apartment during the conversation and remained near the doorway. After a minute or so, Sergeant Harrison, Detective Ulmer and § 87(2)(b) exited the apartment and went back into the building hallway and Detective Smith remained inside the apartment and had his gun drawn to his side.

§ 87(2)(b) walked to the back door of the apartment, knocked on the door and called a woman's name. No one answered and a few seconds later a younger Hispanic female, later identified as § 87(2)(b) exited the front door and sat on the stairs. § 87(2)(b) spoke with Sergeant Harrison and Detective Ulmer but Detective Smith could not hear what they said. Detective Smith did not hear Sergeant Harrison or Detective Ulmer threaten § 87(2)(b) with ACS, but stated that before the officers went to the location they discussed how § 87(2)(b) had a baby only a couple days before. Sergeant Harrison and Detective Ulmer did not use any discourteous language with § 87(2)(b)

Sergeant Harrison and Detective Ulmer entered the apartment and went into the bedroom. There were 2 young children in the apartment and Detective Smith holstered his gun before he followed Sergeant Harrison and Detective Ulmer into the bedroom. A male (later identified as § 87(2)(b)) was handcuffed on the bed and Detective Smith got clothes for him. § 87(2)(b) entered the bedroom and began to fuss and § 87(2)(b) told her to calm down. § 87(2)(b) was not particularly resistant and Sergeant Harrison and § 87(2)(b) never argued. None of the officers twisted § 87(2)(b)'s hands and Sergeant Harrison never threatened to hit § 87(2)(b) At some point Detective Scott entered the bedroom,

but § 87(2)(b) and the two children never came into the bedroom. None of the officers had their guns drawn and no one threatened to shoot § 87(2)(b). The officers took § 87(2)(b) downstairs and § 87(2)(b) started ranting and said something about a “warrant... these cops come in here.” The officers took § 87(2)(b) to the precinct.

Detective Smith did not know if the other officers asked anyone if they knew where the other person in the investigation was. Detective Smith did not recognize the warrants print out provided by Detective Ulmer or the names “§ 87(2)(b)” and “§ 87(2)(b)”

Detective Carlyle Kersellius

Detective Kersellius, a § 87(2)(b) old, 5’5” tall black male weighing 190lbs was interviewed by the CCRB on February 2, 2004 (encl.17e). Details are as follows:

On the incident date, the officers went to § 87(2)(b) to look for a suspect in one of Detective Ulmer’s cases. Detective Kersellius was assigned to be a lookout in the backyard and remained there throughout the incident. Detective Kersellius did not know what grounds the officers used to enter the apartment. After the suspect was in custody, Detective Kersellius went to the front yard and saw a young female Hispanic (later identified as § 87(2)(b)) screaming and shouting something that Detective Kersellius could not recall. Detective Kersellius waited for a tow truck to take away the arrested man’s car. Detective Kersellius did not recognize the warrant printout provided by Detective Ulmer.

Police Documents

Roll Call

Roll call for the 73rd Pct. Detective Squad (encl. 21a-c) shows that Detective Smith, Detective Kersellius, Detective Scott, and Detective Malota were on duty at the time of the incident. Detective Ulmer and Sergeant Harrison were on duty on the date of the incident, but their tour ended at 4:00PM.

BADS Arrest Printout

The arrest printout states that August 28, 2004 at around 6:25PM, § 87(2)(b) was arrested for § 87(2)(b) (encl. 22a-c). § 87(2)(b)’s arresting officers is Detective Ulmer.

Complaint Report

The CCRB obtained the **UF-61 Complaint Report** which states that § 87(2)(b) was arrested for § 87(2)(b) (encl. 23a-d).

§ 87(2)(b)’s Criminal Records

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

A BADS search did not reveal any criminal convictions on record for § 87(2)(b) since 2000.

Substantiated CCRB cases that resulted in the imposition of discipline.

Sergeant Harrison has never had a CCRB case substantiated against him. Detective Ulmer has never had a CCRB case substantiated against him.

Conclusions and Recommendations

Officer Identification

§ 87(2)(g)

§ 87(2)(b) Detective Ulmer was the only white male at the incident and stated that he was the one heading the investigation of § 87(2)(b) and Sergeant Harrison was the supervisor on the scene per his own statement and descriptions of him by civilians.

Undisputed Facts

It is undisputed that § 87(2)(b) was wanted for a § 87(2)(b) and that the officers entered § 87(2)(b) and § 87(2)(b)'s apartment, pointed their guns at § 87(2)(b) and arrested him. § 87(2)(g)

Credibility

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) Detective Kersellius was not present for most of the incident.

§ 87(2)(g)

§ 87(2)(b) Detective Smith also confirmed that § 87(2)(b) knocked on § 87(2)(b) door and § 87(2)(b) came and spoke to the officers on the stairs outside the apartment. § 87(2)(g)

§ 87(2)(b) Detective Ulmer claimed that § 87(2)(b) volunteered to tell the officers where § 87(2)(b) was and was only rude once, and Sergeant Harrison and Detective Scott testified that § 87(2)(b) was far more combative, to the point of trying "to start a mini riot." Detective Ulmer and Detective Scott stated that they did not know if § 87(2)(b) had recently had a baby, but Detective Smith stated that § 87(2)(b)

§ 87(2)(b) baby was discussed among the officers before they went to the apartment and Sergeant Harrison stated that he spoke with § 87(2)(b) about the baby in front of Detective Ulmer. Detective Ulmer stated that none of the officers drew their guns, but Detective Smith and Sergeant Harrison both admitted that they drew their guns while in the apartment. In addition, while Detective Ulmer could not recall if there were children in the apartment and Sergeant Harrison could not recall if children ever came into the bedroom, Detective Scott stated that at some point during the initial apprehension of § 87(2)(b) he heard § 87(2)(b) scream, "My kids! My kids!"

Sergeant Harrison's use of discourteous language and refusal to show the warrant, and the entry and force used by officers other than Sergeant Harrison and Detective Ulmer.

§ 87(2)(b) claimed that when she asked to see the warrant a black male officer answered her by saying, "If we have to wait for a fucking warrant, we're going to go inside and grab your baby," and when she refused to let the officers into the apartment the officer said, "Fuck that." § 87(2)(b) stated that a white male officer was the one who made the threat to notify ACS. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation A: An officer threatened to notify Administration for Children's Services.

§ 87(2)(b) claimed that she protested the officers' attempt to enter the apartment and a black male officer threatened to call ACS and take away her baby. § 87(2)(b) stated that a white male officer told § 87(2)(b) "If you don't let us in, we'll call ACS to take away your baby." § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation B: Sergeant Rodney Harrison entered § 87(2)(b) Brooklyn.

Allegation C: Detective John Ulmer entered § 87(2)(b) Brooklyn.

§ 87(2)(b) stated that § 87(2)(b) knocked on her door and when she went into the hallway a black male officer, PO3, asked permission to enter the apartment. § 87(2)(b) refused and asked to see a warrant and PO3 cursed at her and threatened her with ACS. At some point another black male officer, PO1, came out from inside the apartment and without consent PO3 entered the apartment. § 87(2)(b) stated that § 87(2)(b) informed her that people were at the door and when she went to the door a white male officer, PO1, asked her to knock on § 87(2)(b) door. § 87(2)(b) came into the hall and asked the officers if they had a warrant. The officers entered the doorway and PO1 threatened § 87(2)(b) with ACS. The officers then went into the apartment. Detective Ulmer stated that the officers obtained a warrant for someone named "§ 87(2)(b)" and showed the warrant to § 87(2)(b) who upon request let the officers into the apartment. The officers encountered § 87(2)(b) inside the apartment and she did not question the officers' presence. Detective Ulmer stated that the officers went to the location for the purpose of arresting § 87(2)(b). Detective Scott stated that the officers had a warrant for § 87(2)(b) and they showed it to § 87(2)(b) who invited them into the apartment. Detective Smith stated that the officers were looking for two individuals at the apartment and had a warrant for someone whose name he could not remember. A young boy came out of the apartment and left the door open and Sergeant Harrison knocked on the door and spoke to § 87(2)(b). § 87(2)(b) motioned for the officers to speak and Sergeant Harris and Detective Ulmer entered the apartment under the authority of the warrant. The three of them spoke briefly and then went back out into the hall, at which time § 87(2)(b) knocked on § 87(2)(b) door. § 87(2)(b) came out of the apartment and spoke to Sergeant Harrison and Detective Ulmer, who then entered the apartment. Sergeant Harrison stated that the officers had an arrest warrant for someone other than § 87(2)(b) and when he knocked § 87(2)(b) opened the door. Sergeant Harrison asked if § 87(2)(b) was in the apartment and § 87(2)(b) rolled her eyes in a way that meant, "Yes, he's in there- let yourself in."

her home. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Officers are guilty of punishable misconduct when it is found that they knowingly acted improperly or acted without concern or care that their actions be proper (encl. 4f). While allowances must be made for the complexity of search and seizure law, the courts have not exonerated misconduct when it is clear that the officers “should have known” the impropriety of their actions (encl. 4d). § 87(2)(g)

§ 87(2)(g)

Allegation D: Officers pointed their guns at § 87(2)(b)

§ 87(2)(b) claimed that two black male officers, PO3 and PO4, drew their guns and kept their guns drawn after § 87(2)(b) was handcuffed. § 87(2)(b) and § 87(2)(b) could not recall which officers had their guns drawn. Sergeant Harrison stated that he had his gun drawn, but re-holstered it once § 87(2)(b)

was handcuffed. Detective Smith denied that he had his gun drawn in the bedroom. Detective Ulmer denied that officers ever had their guns drawn and Detective Scott denied that he entered the bedroom.

§ 87(2)(g)

§ 87(2)(g) An officer is justified in drawing his gun when there is “threatened or potential lethal assault” (encl. 3a). § 87(2)(g)

§ 87(2)(g)

Allegation E: Sergeant Rodney Harrison used physical force against § 87(2)(b)

Allegation F: Sergeant Rodney Harrison threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that a black officer that was a sergeant twisted his hands and when § 87(2)(b) challenged, “Why don’t you take these cuffs off me and then twist my hands?” the sergeant put up his fists in a threat to hit § 87(2)(b). § 87(2)(b) stated that § 87(2)(b) told an officer, “This is some bullshit,” and the officer put up his fists. § 87(2)(b) did not see this happen, and Detective Ulmer and Detective Smith stated that § 87(2)(b) was not very resistant and denied the allegations. Sergeant Harrison denied the allegations, but stated that § 87(2)(b) resisted being handcuffed and Sergeant Harrison had to twist his arm to put it behind his back. § 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: